

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA                           §  
   §  
VS.   § 1:01cr31 (3)  
   §  
JOSEPH FRANKLIN SMITH                           §

**ORDER DENYING DEFENDANT'S MOTION  
FOR LEAVE OF COURT PURSUANT TO FEDERAL RULES OF  
CIVIL PROCEDURE 31(A)(iii) and (B)**

Before the court is Defendant's "Motion for Leave of Court Pursuant to Federal Rules of Civil Procedure 31(A)(iii) and (B)[de#208]. The Defendant's motion refers to an inapplicable rule of civil procedure. Rule 31 governs depositions by written questions. Moreover, the motion refers to a docket entry, de#129, which does not appear on the docket. The court is unable to determine exactly what other motion the Defendant is referring to that is dated June 1, 2009. Therefore, the Defendant's motion is DENIED.

IT IS SO ORDERED.

SIGNED this the 8th day of September, 2009.

  
RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE